



UNITED STATES PATENT AND TRADEMARK OFFICE

clo

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,670	10/23/2001	Holger Ullrich	65857-0036	2449

7590 02/25/2004

Michael B. Stewart
Rader, Fishman & Grauer PLLC
Suite 140
39533 Woodward Avenue
Bloomfield Hills, MI 48304

EXAMINER

ATKINSON, CHRISTOPHER MARK

ART UNIT	PAPER NUMBER
----------	--------------

3753

DATE MAILED: 02/25/2004

//

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,670

Applicant(s)

Villrich et al.

Examiner

R. E. Johnson

Art Unit

3253

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/14/03 & 2/8/02
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-60 is/are pending in the application.
- 4a) Of the above, claim(s) 37, 44, 46, 51-52 & 59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-36, 38-43, 45, 47-50, 56-58 & 60 is/are rejected.
- 7) ☒ Claim(s) 53-55 is/are objected to.
- 8) ☒ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

Art Unit: 3753

Response to Election

Applicant's election with traverse of species B as illustrated in figure 6 and subspecies I as illustrated in figure 3 in Paper No. 10 is acknowledged. The traversal is on the ground(s) that the search for the additional species and subspecies would encompass the same search. This is not found persuasive because this is not requirement in giving a species restriction. Also, searching a plurality of species and subspecies would place a serious burden on the Examiner since all species and subspecies are not within the same search.

The requirement is still deemed proper and is therefore made FINAL.

Claims 37, 44, 46, 51-52 and 59 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected species and subspecies, the requirement having been traversed in Paper No. 10.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 31, 35-36, 38-43, 45, 47-50, 56-58 and 60 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuchiya et al.

Art Unit: 3753

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 31-36, 38, 41, 45 and 47-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Kunkel. See figure 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 33-34 are rejected under 35 U.S.C. § 103 as being unpatentable over Tsuchiya et al. in view of Beck. The patent of Tsuchiya et al. discloses all the claimed features of the invention with the exception of the claimed channel proportions.

The patent of Beck, in figure 2, discloses that it is known to have the claimed channel proportions for the purpose of maximizing heat transfer surface area while minimizing pressure drop. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Tsuchiya et al. the claimed channel proportions for the purpose of

Art Unit: 3753

maximizing heat transfer surface area while minimizing pressure drop as disclosed in Beck.

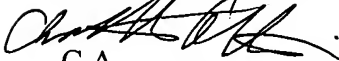
Allowable Subject Matter

Claims 53-55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Atkinson whose telephone number is (703) 308-2603.



C.A.
February 23, 2004

CHRISTOPHER ATKINSON
PRIMARY EXAMINER